

## Officer History

**Officer Name:** Norcott, Patrick

**Tax ID:** 940514

**Sex:** M

**Shield:** 785

**Race:** [REDACTED]

**Rank:** DT3

**Command:** 333

**DOB:** [REDACTED]

**Appt Date:** 01/09/2006

**Age:** [REDACTED]

**Tenure:** 14

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
201006688	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			101
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			101
201101512	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			101
201403437	04/10/2014	04/10/2014	OMN - Failure to prepare a memo book entry	Other Misconduct	Instructions	Instruction	101
201404671	05/14/2014	04/08/2014	Abuse - Search (of person)	Unsubstantiated			101
	05/14/2014	04/08/2014	Abuse - Stop	Substantiated (Formalized Training)	Formalized Training	Formalized Training	101
	05/14/2014	04/08/2014	Abuse - Frisk	Substantiated (Formalized Training)	Formalized Training	Formalized Training	101
<b>Total Charges = 7</b>					<b>Total Cases = 4</b>		

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lauren Kerstein	Team: Team # 2	CCRB Case #: 201403437	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thu, 04/10/2014 2:00 PM	Location of Incident: 15-49 Hassock Street	Precinct: 101	S.O.L. Expires: 10/10/2015		
Date/Time CV Reported Thu, 04/10/2014 4:06 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 04/10/2014 4:06 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	1 [REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2. POF [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
3. POM Patrick Norcott	02153	940514	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POF [REDACTED]	Abuse of Authority: PO [REDACTED] stopped [REDACTED]	A . Unsubstantiated
B . POF [REDACTED]	Abuse of Authority: PO [REDACTED] frisked [REDACTED]	B . Unsubstantiated
C . POF [REDACTED]	Abuse of Authority: PO [REDACTED] searched [REDACTED]	C . Unsubstantiated
D . POM [REDACTED]	Discourtesy: PO [REDACTED] spoke discourteously to [REDACTED]	D . Unsubstantiated
E . POF [REDACTED]	Discourtesy: PO [REDACTED] gestured discourteously toward [REDACTED]	E . Unsubstantiated
F . POF [REDACTED]	Abuse of Authority: PO [REDACTED] issued a summons to [REDACTED]	F . Substantiated
G . POM [REDACTED]	Other: PO [REDACTED] failed to prepare a memo book entry as required.	G . Other Misconduct
H . POM Patrick Norcott	Other: PO Patrick Norcott failed to prepare a memo book entry as required.	H . Other Misconduct

### Case Summary

█████ ██████ reported this complaint to the CCRB on April 10, 2014, via phone (encl. D1-D2). On April 10, 2014, at approximately 2 p.m., in front of 15-49 Hassock Street, ██████ interacted with officers. The following allegations resulted:

- **Allegation A: Abuse of Authority – PO ██████ stopped ██████**  
It is unclear from the documents and interviews obtained from the investigation whether PO ██████ stopped Mr. ██████ to question him in regards to her suspicion that he was trespassing in a NYCHA building, or to issue him a disorderly conduct summons for yelling profanities at her as she approached. It is therefore recommended that **Allegation A** be closed as **unsubstantiated**.
- **Allegation B: Abuse of Authority – PO ██████ frisked ██████**
- **Allegation C: Abuse of Authority – PO ██████ searched ██████**
- **Allegation D: Discourtesy – PO ██████ spoke discourteously to ██████**
- **Allegation E: Discourtesy – PO ██████ gestured discourteously toward ██████**

Due to the conflicting statements provided, and absent any independent witnesses, the investigation was unable to determine whether PO ██████ frisked, searched, or gestured discourteously at Mr. ██████ and whether PO ██████ spoke discourteously to Mr. ██████. It is therefore recommended that **Allegations B, C, D and E** be closed as **unsubstantiated**.

- **Allegation F: Abuse of Authority – PO ██████ issued a summons to ██████**  
The investigation determined that PO ██████ issued Mr. ██████ a summons without justification. It is therefore recommended that **Allegation F** be closed as **substantiated**.
- **Allegation G: Other – PO ██████ failed to prepare a memo book entry as required.**
- **Allegation H: Other – PO Patrick Norcott failed to prepare a memo book entry as required.**

PO ██████ and PO Norcott did not prepare memo book entries pertaining to this incident. It is therefore recommended that **Allegations G and H** be closed as **other misconduct**.

Mr. ██████ rejected mediation.

### Results of Investigation

#### Video Footage

Mr. ██████ provided a four second video that he filmed using his cellphone on April 10, 2014, during his interaction with PO ██████ PO Norcott and PO ██████ (encl. E1).

The video opens with the camera pointed at PO Norcott. Mr. ██████ can be heard yelling, "No warrants," and PO ██████ is seen in the driver's seat of a marked police vehicle. The video ends with PO ██████ saying something inaudible to Mr. ██████

## Civilian Statement

### CCRB Statement

Mr. [REDACTED] provided a phone statement to the CCRB on April 10, 2014, (encl.D1-D2), and an in-person statement on April 28, 2014 (encl. F1-F7). Both statements were consistent unless otherwise noted below.

On April 10, 2014, at approximately 2 p.m., Mr. [REDACTED] had been walking his dog for between twenty minutes to one hour when he decided to return to his apartment, located at 14-30 Redfern Avenue in Queens. Mr. [REDACTED] address on his New York State identification lists him as living in Brooklyn, but he lives with his wife at 14-30 Redfern Avenue in Queens.

When Mr. [REDACTED] reached the corner of Redfern Avenue and Hassock Street he noticed PO [REDACTED] PO [REDACTED] and PO Patrick Norcott, identified via investigation, observing him from their police vehicle. Mr. [REDACTED] referred to PO Norcott as "PO Pacelli" and described him as a [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Mr. [REDACTED] dropped off his dog in his apartment and exited his building the same way he entered. In Mr. [REDACTED] initial statement, he indicated he exited his building approximately ten minutes later. In his phone statement, Mr. [REDACTED] stated that he exited his building an hour later.

Mr. [REDACTED] was walking across the street when PO Norcott, the operator of the police vehicle, pulled up next to Mr. [REDACTED] who was in front of 15-49 Hassock Street. PO [REDACTED] located in the front passenger seat, asked Mr. [REDACTED] if he lived there. Mr. [REDACTED] responded that he did and PO Norcott, PO [REDACTED] and PO [REDACTED] exited their vehicle and approached him.

PO [REDACTED] proceeded to pat Mr. [REDACTED] front left and right jacket pockets while saying, "I don't know you. Who are you? I've never seen you before." In his phone statement, Mr. [REDACTED] stated that PO [REDACTED] also asked, "Do you live here?" PO [REDACTED] then put her hands inside of his front two jacket pockets. Mr. [REDACTED] asked PO [REDACTED] what she was doing and PO Norcott responded, "Shut the fuck up, she can do whatever she wants." In his phone statement, Mr. [REDACTED] alleged that PO [REDACTED] made the aforementioned discourteous statement.

PO Norcott requested Mr. [REDACTED] ID and PO [REDACTED] took it to the patrol car. PO [REDACTED] then issued Mr. [REDACTED] a disorderly conduct summons for making too much noise.

When the police car drove past him, PO [REDACTED] gave Mr. [REDACTED] the middle finger.

### NYPD Statements:

#### Summons

PO [REDACTED] wrote Mr. [REDACTED] a summons for Disorderly Conduct (encl. H1-H2). It notes: "At the time and place of occurrence, above individual caused public annoyance and alarm by making unreasonable noise causing people to gather and creating a hazardous risk to the public."

#### Stop, Question and Frisk Worksheet

The stop, question and frisk worksheet was prepared by PO [REDACTED] (encl. G1-G3). Under circumstances leading to the stop, PO [REDACTED] checked furtive movements and actions indicative of casing. Additional circumstances pertaining to the stop included the time, day of week or season corresponding to reports of criminal activity and that Mr. [REDACTED] changed directions at the sight of officers. Mr. [REDACTED] demeanor was irate and he stated, "You like niggas, you wanna fuck black niggas."

#### Memo book

2 p.m., [REDACTED] April 2, 1974. In front of 15-49 Hassock Street. Disorderly conduct, unreasonable noise. New York State ID [REDACTED]

[REDACTED] Summons # [REDACTED] (encl. I1-I2).

#### CCRB Statement

PO [REDACTED] provided a statement to the CCRB on July 29, 2014 (encl. J2-J3).

On April 10, 2014, at approximately 2 p.m., PO [REDACTED] observed Mr. [REDACTED] who upon seeing the officers, began to walk in and out of a NYCHA building multiple times. The area is a drug prone location and Mr. [REDACTED] is known in the precinct as someone who frequently gets arrested for drug possession and drug sales. Approximately a half an hour later, PO [REDACTED] observed Mr. [REDACTED] again walking in and out of the NYCHA building. This made PO [REDACTED] think that Mr. [REDACTED] was trying to avoid the officers and led her to suspect that he was trespassing inside the NYCHA building. She decided to stop and talk to him. After reviewing the handwritten stop, question and frisk report she prepared, PO [REDACTED] stated that Mr. [REDACTED] movement of walking in and out of the NYCHA building were indicative of casing and furtive movements.

Mr. [REDACTED] walked across the street to a bodega located at 15-49 Hassock Street, an action which PO [REDACTED] identified as Mr. [REDACTED] changing direction at the sight of officers to avoid them. PO [REDACTED] began to approach Mr. [REDACTED] who immediately started screaming at PO [REDACTED] "You like niggers? You want to fuck black niggers? You want to suck big black dick?" PO [REDACTED] stopped Mr. [REDACTED] and asked him for his ID. Mr. [REDACTED] provided his ID but continued screaming and flailing his arms, causing approximately four to five people to gather next to Mr. [REDACTED]

PO [REDACTED] took his ID and went back into her police vehicle, checked for warrants and then issued him a summons for unreasonable noise. PO [REDACTED] never heard an officer

tell Mr. [REDACTED] to “Shut the fuck up.” PO [REDACTED] never frisked or searched Mr. [REDACTED]  
PO [REDACTED] never gave Mr. [REDACTED] the finger.

#### **Memo book**

PO [REDACTED] does not have any memo book entries in regards to this incident (encl. K1-K3).

#### **CCRB Statement**

PO [REDACTED] provided a statement to the CCRB on July 29, 2014. PO [REDACTED] statement corroborated PO [REDACTED] statement unless otherwise noted below (encl. L1-L2).

On April 10, 2014, at approximately 2 p.m., PO [REDACTED] PO [REDACTED] and PO Norcott were patrolling the NYCHA building when PO [REDACTED] stated that she wanted to stop Mr. [REDACTED] because she suspected him of criminal trespass. PO [REDACTED] did not observe Mr. [REDACTED] actions that preceded the stop. PO [REDACTED] did not know Mr. [REDACTED] before this interaction and noted that the area was a drug prone and shooting location.

PO [REDACTED] never told Mr. [REDACTED] to “Shut the fuck up,” nor did he hear any other officer make this statement. PO [REDACTED] never used profanity or heard any other officer use profanity in their interaction with Mr. [REDACTED] PO [REDACTED] did not frisk or search Mr. [REDACTED] PO [REDACTED] never gave Mr. [REDACTED] the middle finger.

#### **Subject Officer: PO PATRICK NORCOTT**

- *PO Norcott is a [REDACTED]. He was [REDACTED] years old at the time of this incident.*
- *On April 10, 2013, PO Norcott worked from 9:30 a.m. to 6:05 p.m. and was assigned to Housing Auto with PO [REDACTED] and PO [REDACTED] PO Norcott worked in uniform and was assigned to marked police vehicle [REDACTED]*

#### **Memo book**

PO Norcott does not have any memo book entries in regards to this incident (encl. M1-M3).

#### **CCRB Statement**

PO Norcott provided a statement to the CCRB on July 29, 2014. PO Norcott’s statement corroborated PO [REDACTED] statement unless otherwise noted below (encl. M5-M7).

On April 10, 2014, at approximately 2 p.m., PO Norcott was in the back passenger seat of the police vehicle updating paperwork when PO [REDACTED] and PO [REDACTED] told him they wanted to stop Mr. [REDACTED] for criminal trespass. PO Norcott did not observe Mr. [REDACTED] actions that led to this assessment. PO Norcott did not know Mr. [REDACTED] before this interaction and noted that the area was a drug prone location.

PO Norcott exited the vehicle after Mr. [REDACTED] was already stopped. PO Norcott did not hear an officer tell Mr. [REDACTED] to “Shut the fuck up,” or use profanity toward Mr. [REDACTED] PO Norcott did not observe PO [REDACTED] frisk or search Mr. [REDACTED] PO Norcott never observed PO [REDACTED] give Mr. [REDACTED] the finger.

## **NYPD Documents**

### **Event D14041012112**

At 2:07 p.m., Sector B was investigating a possible crime outside of 15-49 Hassock Street (encl. N1-N2).

### **Summons for Incident and Disposition**

- On July 23, 2014, Mr. [REDACTED] resolved summons number 4404966600 by paying a \$25 fine for violating Public Health Law 0229, violating a non-descriptive, nonspecific, state sanitary law (encl. B2-B3). The disorderly conduct charge was dismissed (encl. Q1-Q3).

### **Status of Civil Proceedings**

- Mr. [REDACTED] has not filed a Notice of Claim with the City of New York as of August 5, 2014, one month after the 90-day filing deadline with regard to the incident (encl. P1).

### **Civilians Criminal History**

- As of August 5, 2014, Office of Court Administration records reveal the following criminal convictions for Mr. [REDACTED] (encl. Q4-Q8):
  - In the past ten years, Mr. [REDACTED] has been arrested twice for Obstruction of Governmental Administration in the second degree, once for Criminal Possession of a Weapon in the third degree and once for Disorderly Conduct. Mr. [REDACTED] paid two fines, one for \$95 and one for \$175.

### **Civilians CCRB History**

- Mr. [REDACTED] has filed the following CCRB complaints:
  - CCRB# 201403827 was referred to the Office of the Chief of Department.
  - CCRB# 201405027 was closed by the Board as complainant uncooperative.

### **Subject Officers CCRB History**

- PO [REDACTED] and PO Norcott have been members of the service for eight years and there are no substantiated CCRB allegations against them (encl. C1-C3).
- PO [REDACTED] has been a member of the service for eight years and there are three substantiated CCRB allegations against him (encl. C2):
  - In CCRB# 200615678, the Board substantiated a stop allegation for which they recommended charges. The NYPD did not issue disciplinary action.
  - In CCRB# 200813508 the Board substantiated threat of force and stop allegations for which the Board recommended charges. The NYPD issued instructions.

## **Conclusion**

### **Identification of Subject Officers**

PO [REDACTED] acknowledged stopping Mr. [REDACTED] therefore this allegation has been pled against her.

In his phone statement which he provided to the CCRB a few hours after the incident, Mr. [REDACTED] alleged that an Asian male, PO [REDACTED] told him to "Shut the fuck up." The investigation determined PO [REDACTED] was the only Asian man present during this encounter. In his in-person statement two and a half weeks later, Mr. [REDACTED] stated that "PO Pacelli," a white officer who was not present for this incident, but a different incident Mr. [REDACTED] was filing a CCRB complaint about during the same interview, made the discourteous statement. Taking into account the time difference between when Mr. [REDACTED] reported the complaint and when he

provided an official statement, the investigation has pled the discourteous statement against PO [REDACTED]

### **Investigative Findings and Recommendations**

#### **Allegation A: Abuse of Authority – PO [REDACTED] stopped [REDACTED]**

Mr. [REDACTED] stated that he first noticed the officers observing him when he was walking his dog. He then entered the NYCHA building to drop off his dog in his apartment, exited the building, and was stopped in front of a bodega located at 15-49 Hassock Street. Mr. [REDACTED] alleged that PO [REDACTED] asked him if he lived in the building and then wrote him a summons for unreasonable noise.

PO [REDACTED] stated that she observed Mr. [REDACTED] who is known in the precinct as someone who buys and sells drugs, walking in and out of a NYCHA building, a drug prone location. She interpreted these actions as Mr. [REDACTED] making furtive movements and casing the location. This led her to conclude that Mr. [REDACTED] was trespassing in the NYCHA building at which point she decided to approach Mr. [REDACTED] to speak with him in regards to her suspicion that he was trespassing. However, when she went to approach Mr. [REDACTED] he began yelling at her, so she requested his ID and issued him a summons for disorderly conduct, unreasonable noise. PO [REDACTED] and PO Norcott did not make observations of Mr. [REDACTED] but confirmed that the area is a drug prone location.

In the stop, question and frisk worksheet that PO [REDACTED] prepared, she indicated that Mr. [REDACTED] was making furtive movements, performing actions indicative of casing and that he changed direction at the sight of officers.

In a level one encounter, an officer may request basic information from a civilian if they have an objective credible reason. It is also considered a level one encounter when an officer asks questions in regards to a person's residency or requests their ID even if that person's actions have not been indicative of criminality, if they are in a NYCHA building that has a history of drug activity People v. Ventura, 913 N.Y.2d 543 (2010)(encl. A1-A3).

PO [REDACTED] contends that she approached Mr. [REDACTED] in order to inquire about his residency inside 14-30 Redfern Avenue, a NYCHA building, after seeing him intermittently enter and exit which would have qualified as a level one encounter according to Ventura, and would have been lawful. However, as she approached Mr. [REDACTED] he began yelling profanities at her at which point she requested his ID and wrote him a disorderly conduct summons for unreasonable noise.

It is unclear from the documents and interviews obtained from the investigation whether PO [REDACTED] stopped Mr. [REDACTED] to question him in regards to her suspicion that he was trespassing in a NYCHA building, or to issue him a disorderly conduct summons for yelling profanities at her as she approached. It is therefore recommended that **Allegation A** be closed as **unsubstantiated**.

#### **Allegation B: Abuse of Authority – PO [REDACTED] frisked [REDACTED]**

#### **Allegation C: Abuse of Authority – PO [REDACTED] searched [REDACTED]**

#### **Allegation D: Discourtesy – PO [REDACTED] spoke discourteously to [REDACTED]**

#### **Allegation E: Discourtesy – PO [REDACTED] gestured discourteously toward [REDACTED]**

Mr. [REDACTED] alleged that PO [REDACTED] frisked and searched his pockets and when he questioned PO [REDACTED] about what she was doing, PO [REDACTED] told him to "Shut the fuck up." Mr. [REDACTED] alleged that PO [REDACTED] stuck out her middle finger at him when leaving.

PO [REDACTED] and PO [REDACTED] denied Mr. [REDACTED] allegations. PO Norcott, who was present during the interaction, also denied that PO [REDACTED] frisked, searched or discourteously



gestured at Mr. [REDACTED] or that PO [REDACTED] told Mr. [REDACTED] to “Shut the fuck up.” The stop, question and frisk worksheet prepared by PO [REDACTED] at the time of the incident corroborates her statement that Mr. [REDACTED] was not frisked or searched.

Due to the conflicting statements provided, and absent any independent witnesses, the investigation was unable to determine whether PO [REDACTED] frisked, searched, or gestured discourteously at Mr. [REDACTED] and whether PO [REDACTED] spoke discourteously to Mr. [REDACTED]. It is therefore recommended that **Allegations B, C, D and E** be closed as **unsubstantiated**.

**Allegation F: Abuse of Authority – PO [REDACTED] issued a summons to [REDACTED]**

PO [REDACTED] PO Norcott and PO [REDACTED] stated that Mr. [REDACTED] was screaming at PO [REDACTED] “You like niggers? You want to fuck black niggers? You want to suck big black dick?” which caused approximately four to five people to gather, resulting in a disorderly conduct summons for unreasonable noise. Mr. [REDACTED] denied becoming agitated with the officers and his disorderly conduct summons was dismissed. Mr. [REDACTED] pled guilty to violating Public Health Law 0229, a nonspecific and non-descriptive violation (encl. B2-B3).

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creates a risk by making unreasonable noise N.Y.S. Penal Law, Section 240.20(2) (encl.A4). A disorderly conduct charge must be supported by a mens rea component suggestive of inciting a crowd or causing public problem which expands beyond the civilians’ interaction with the officers themselves People v. Baker, 20 N.Y. 3d 354 (2013)(encl.A5-B1).

Mr. [REDACTED] denied disobeying any of the officers’ actions towards him beyond questioning them on why he was stopped. However, even if Mr. [REDACTED] had yelled profanities and used offensive language towards PO [REDACTED] as the officers allege, Mr. [REDACTED] expressing anger at being approached by PO [REDACTED] does not merit a disorderly conduct summons. As discussed above, in order for Mr. [REDACTED] to be guilty of disorderly conduct he not only needs to be creating a risk to the public through unreasonable noise, but as discussed in Baker, his actions would have to extend beyond his interaction with PO [REDACTED] and the officers, to create a risk to the larger public. By PO [REDACTED] own account, Mr. [REDACTED] comments were solely directed at her and began as she approached him and continued throughout the interaction. This caused a small crowd of four to five people to gather, which by the officers’ own accounts, did not obstruct their investigation of Mr. [REDACTED] or pose a risk to themselves or the public when PO [REDACTED] decided to write Mr. [REDACTED] a disorderly conduct summons.

The investigation determined that PO [REDACTED] issued Mr. [REDACTED] a summons without justification. It is therefore recommended that **Allegation F** be closed as **substantiated**.

**Allegation G: Other – PO [REDACTED] failed to prepare a memo book entry as required.**

**Allegation H: Other – PO Patrick Norcott failed to prepare a memo book entry as required.**

It is undisputed that PO [REDACTED] and PO Norcott were present during the incident and assisted PO [REDACTED] in stopping Mr. [REDACTED]

All uniformed members of service below the rank of captain are required to prepare activity logs. NYPD Patrol Guide, Section 212-08 (encl. B4-B6).

PO [REDACTED] and PO Norcott did not prepare memo book entries pertaining to this incident. It is therefore recommended **Allegations G and H** be closed as **other misconduct**.

Team: \_\_\_\_2\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date